

Subsequent to the decision of the circuit court of appeals dismissing the appeal, a motion for rehearing was filed by the claimant but was denied on May 9, 1951.

DRUG ACTIONABLE BECAUSE OF FAILURE TO COMPLY WITH PACKAGING REQUIREMENTS OF AN OFFICIAL COMPENDIUM

3440. Misbranding of injectable liver. U. S. v. 44 Vials * * *. (F. D. C. No. No. 30400. Sample No. 25131-L.)

LIBEL FILED: January 25, 1951, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 15, 1950, by the American Bio-Chemical Corp., from Los Angeles, Calif.

PRODUCT: 44 unlabeled vials of *injectable liver* at Philadelphia, Pa. The product was received by the consignee in two packages, each of which contained 25 unlabeled vials with a label on the outer wrapper reading, in part, "30 cc Vial * * * Injectable Liver Each cc contains the soluble extractives derived from 100 grains of fresh beef liver. * * * For Intramuscular Use."

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (g), the article purported to be liver injection, a drug the name of which is recognized in the United States Pharmacopoeia, an official compendium, and the article was not labeled as prescribed in the compendium since its label failed to show any potency assigned to it by the U. S. P. Anti-anemia Preparations Advisory Board.

DISPOSITION: May 14, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3421 TO 3440

PRODUCTS

	N. J. No.		N. J. No.
Amphetamine sulfate tablets	3422	Hormotone "T" tablets	3421
Androgenic substances	3421, 3422	Injectable liver	3440
Biotropin	3432	Jalap root	3431
Brown's powdered goat milk	3434	Liver, injectable	3440
Burdock root	3431	Master Liquid Hog Medicine	² 3439
Clinical thermometers	3433	Metandren Linguets	3421
Cocillana bark	3431	Methyltestosterone tablets	3421, 3422
Combisul tablets	3424, 3426	Mineral solution	3429
Desoxyn Hydrochloride tablets	3424, 3425	Neo-Hombreol tablets	3421
Devices	3433, ¹ 3436-3438	Oreton-M tablets	3421
Dexedrine Sulfate tablets	3422-3424	Phenobarbital tablets	3423
Estinyl tablets	3421	Phenothiazine drench	3430
Estrogenic substances	3421, 3427	Premarin tablets	3427
Goat milk, powdered	3434	Sal-Trag Compound	3428
Hollywood Vita-Rol device	3437	Spectro-Chrome device	3438
		Squill, white	3431

¹ (3436) Prosecution contested. Contains instructions to the jury and opinion of the court.

² (3429) Seizure contested.